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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/550,597	09/23/2005	Yuichi Hagiwara	L9289.05181	1398
52989 7590 03/17/2008 DICKINSON WRIGHT PLLC 1901 L STREET NW SUITE 800 WASHINGTON, DC 20036				
EXAMINER				
KAO, WEI PO ERIC				
ART UNIT		PAPER NUMBER		
2616				
MAIL DATE		DELIVERY MODE		
03/17/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/550,597

Applicant(s)

HAGIWARA ET AL.

Examiner

WEI-PO KAO

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-5 and 7-8 is/are allowed.
- 6) ☒ Claim(s) 1 and 6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Title

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejection - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in - (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language]

4. Claim 1 and 6 are rejected under 35 U.S.C. 102(e) as being anticipated by Moon et al, US Publication No. 20030097629.

Regarding Claim 1, Moon et al teach **a radio transmission apparatus based on a hybrid ARQ scheme that retransmits transmission data to a reception apparatus based on a retransmission request from the reception apparatus** (see [0006-0008] [0012] e.g. [0012] Line 8-12), **selecting retransmission parameters in such a way that reception power of initial transmission data and all the retransmission data increases when the reception apparatus receives and combines the retransmission data** (see [0008-0009] [0013-0016] e.g. [0009] Line 8-11; [0016] Line 1-3 13-17).

Regarding Claim 6, it is a method claim corresponding to the apparatus claim 1, and therefore rejected under the same reason set forth in the same section of claim 1 in this paragraph.

Allowable Subject Matter

5. The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 2, prior art fails to show alone or in combination that in order to retransmit data using Hybrid ARQ, the transmission unit generates the retransmission data base on the parameters such as: retransmission request count; coding rate, which calculate the coding rate in base on a modulation scheme, transmission data and the number of codes while the calculated coding rate is a way that reception power of all retransmission data at the reception apparatus increases; a retransmission parameter, which in turn is based on a modulation scheme, the retransmission request count and the coding rate; and finally generate the retransmission data according to the retransmission parameter.

Regarding Claim 3, it is a dependent claim to the claim 2, and therefore is allowed under the same reason set forth in the same section of claim 2 in this paragraph.

Regarding claim 4, prior art fails to show alone or in combination that in order to retransmit data using Hybrid ARQ, the transmission unit generates the retransmission data base on the parameters such as: retransmission request count; coding rate, which calculate the coding rate in

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base on a modulation scheme, transmission data and the number of codes while the calculated coding rate is a way that reception power of all retransmission data at the reception apparatus increases; an RV estimated transmission count, which in turn is based on a modulation scheme, the retransmission request count and the coding rate; a retransmission parameter, which in turn is based on a modulation scheme, the RV estimated transmission count, and the coding rate; and finally generate the retransmission data according to the retransmission parameter.

Regarding Claim 5, it is a dependent claim to the claim 4, and therefore is allowed under the same reason set forth in the same section of claim 4 in this paragraph.

Regarding Claim 7, it is a method claim corresponding to the apparatus claim 2, and therefore allowed under the same reason set forth in the same section of claim 2 in this paragraph.

Regarding Claim 8, it is a method claim corresponding to the apparatus claim 4, and therefore allowed under the same reason set forth in the same section of claim 4 in this paragraph.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Referring to the PTO Form 892, references are cited to show similar method and system of retransmitting data according the Hybrid ARQ technique.

7. Examiner's Note: Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to WEI-PO KAO whose telephone number is (571)270-3128. The examiner can normally be reached on Monday through Friday, 8:30AM to 5:00PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on (571)272-3139. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ricky Ngo/

Supervisory Patent Examiner, Art Unit

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/Wei-po Kao/

Examiner, Art Unit 2616